

IN THE SUPREME COURT OF THE STATE OF MONTANA

Supreme Court Cause No. _____

DA 10-0027

Benjamin J. LaBeau
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FILED

JAN 15 2010

Ed Smith
 CLERK OF THE SUPREME COURT
 STATE OF MONTANA

IN RE THE VISITATION OF)

W.B.S., AND D.C.S.,)

Minor Children,)

TANYA N. SPAULDING,)

Appellant,)

-and-)

SHARON K. SNYDER,)

Appellee.)

MOTION TO AMEND CAPTION
PURSUANT TO RULE 2(4), M.R.App.P.

COMES NOW the Appellant, by and through her attorney, and hereby moves this Court for its Order granting Appellant's Motion to Amend Caption to more accurately reflect the actual alignment or status of a party. This Motion is made upon the grounds and for the reasons as follows:

1. The caption should more accurately reflect grandparent-grandchild contact of the minor children in lieu of visitation of the minor children, in accord with § 40-9-101(2), MCA.
2. Accordingly, Appellant requests that the caption be amended to more accurately

reflect that this action concerns grandparent-grandchild contact issues and not simply visitation issues.

3. A copy of the proposed amended caption is attached hereto as Exhibit A.

Counsel for Appellant has been contacted in regard to this Motion and has no objection.

WHEREFORE, Appellant respectfully requests that the Court grant Appellant's Motion to Amend Caption to more accurately reflect the actual issues in this matter.

DATED this 14 day of January, 2010.



Benjamin J. LaBeau, Attorney for Appellant

CERTIFICATE OF SERVICE

I hereby certify that I have filed a true and accurate copy of the foregoing MOTION TO AMEND CAPTION with the Clerk of the Montana Supreme Court; and that I have served true and accurate copies of the foregoing MOTION TO AMEND CAPTION upon each attorney of record, each court reporter from whom a transcript will be ordered, and each party not represented by an attorney in the above-referenced Supreme Court action, via first-class U.S. mail, on the date first written above, as follows:

Kevin T. Sweeney
Attorney at Law
1250 15th Street West, Suite 202
Billings, Montana 59102

David E. Hix
Court Reporter Services Support, Inc.
1022 Grizzly Mountain Road
Missoula, Montana 59808
Dated this 14 day of January, 2010.



Benjamin J. LaBeau,
Attorney for Appellant

EXHIBIT "A"

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IN RE THE GRANDPARENT-GRANDCHILD)
CONTACT OF)
)
W.B.S., AND D.C.S.,)
)
Minor Children,)
_____)
)
TANYA N. SPAULDING,)
)
Appellant,)
)
-and-)
)
SHARON K. SNYDER,)
)
Appellee.)
_____)